



Licensing (Scotland) Act 2005

2005 asp 16

PART 6

PERSONAL LICENCES

Grant and renewal of personal licence

75 Applicant's duty to notify Licensing Board of convictions

- (1) This section applies where, during the period beginning with the making of a personal licence application and ending with determination of the application, the applicant is convicted of a relevant offence or a foreign offence.
- (2) The applicant must, no later than one month after the date of the conviction, give notice of the conviction to the Licensing Board to which the personal licence application was made.
- (3) A notice under subsection (2) must specify—
 - (a) the nature of the offence, and
 - (b) the date of the conviction.
- (4) Where the Licensing Board receives a notice under subsection (2) at any time before they have determined the personal licence application, the Board must—
 - (a) suspend consideration of the application, and
 - (b) give notice of the conviction to the appropriate chief constable.
- (5) The appropriate chief constable must, within 21 days of the date of receipt of a notice under subsection (4)(b), respond to the notice by giving the Licensing Board one or other of the notices mentioned in subsection (6).
- (6) Those notices are—
 - (a) a notice stating that the chief constable is unable to confirm the existence of the conviction or that the conviction does not relate to a relevant offence or foreign offence, or
 - (b) a notice confirming the existence of the conviction and that it relates to a relevant offence or foreign offence.

- (7) Where the chief constable—
- (a) proposes to give a notice under subsection (6)(b), and
 - (b) considers that, having regard to the conviction specified in the notice, it is necessary for the purposes of the crime prevention objective that the personal licence application be refused,
- the chief constable may include in the notice a recommendation to that effect.
- (8) On receipt of the chief constable's notice under subsection (6), the Licensing Board must resume consideration of the personal licence application and determine it in accordance with section 74.
- (9) For that purpose, that section has effect as if—
- (a) references in it to a notice under section 73(3)(a) included references to a notice under subsection (6)(a) of this section, and
 - (b) references in it to a notice under section 73(3)(b) included references to a notice under subsection (6)(b) of this section.
- (10) A person who, without reasonable excuse, fails to comply with subsection (2) commits an offence.
- (11) A person guilty of an offence under subsection (10) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.